



LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
RICHANAND
MICHAEL PHILLIPPS *
LISA M. DIROCCO
HATHAWAY P. RUSSELL **
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
PETER A. DIMATTIA
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
DANIEL B. KO

TECHNICAL SPECIALISTS
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
JENNIFER K. ROSENFELD
ALLAN TAMESHTIT, Ph.D.
CATHERINE E. McPHERSON
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.

* Admitted in NY only
** Admitted in TX only

August 13, 2002

Box: Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/712,821
Title: METHODS AND COMPOSITIONS FOR SCREENING USING
DIPHThERIA TOXIN CONSTRUCTS
Filed: November 13, 2000
Inventor: Todd M. Kinsella
Our Reference No.: RGV-003

RECEIVED
AUG 21 2002
TECH CENTER 1600/2900


COPY OF PAPERS
ORIGINALLY FILED

Dear Sir/Madam:

I enclose herewith for filing in the above-identified application the following:

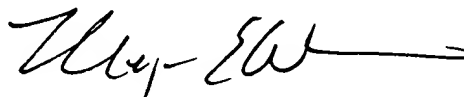
1. Request for Issuance of Revised Office Action;
2. Copy of post card date-stamped by the United States Patent and Trademark Office on May 20, 2002;
3. Copy of Preliminary Amendment with Certificate of Mailing dated April 30, 2002; and
4. Acknowledgment Postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

<p><u>Certificate of First Class Mailing (37 CFR 1.8(a))</u> I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box: Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231 on:</p> <p>August 13, 2002 Date</p> <p> Megan E. Williams, Esq., Reg. No. 43,270</p>

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


Megan E. Williams, Esq.
Reg. No. 43,270



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY OF PAPERS
ORIGINALLY FILED**

In re the application of: Todd M. Kinsella

Serial No.: 09/712,821

Filed: November 13, 2000

For: METHODS AND COMPOSITIONS FOR SCREENING USING
DIPHThERIA TOXIN CONSTRUCTS

Attorney Docket No.: RGV-003(formerly A-70036/RMS/JJD)

Group Art Unit: 1627

Examiner: P. Ponnaluri

#14
RECEIVED
AUG 21 2002
TECH CENTER 1600/2900

Box: Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box: Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

August 13, 2002

Date of Signature and of Mail Deposit

By:

Megan E. Williams
Registration No. 43,270
Attorney for Applicants

REQUEST FOR ISSUANCE OF REVISED OFFICE ACTION

Dear Sir:

A Non-Final Office Action was mailed from the United States Patent and Trademark Office on June 4, 2002 in connection with this case rejecting claims 1-6. The attached papers establish that a Preliminary Amendment was filed on April 30, 2002 in which claims 1-6 were canceled and claims 13-37 were added. Transmitted herewith is a copy of a post card date-stamped by the United States Patent and Trademark Office on

May 10, 2002 showing receipt of the Preliminary Amendment. Applicants have also enclosed herewith a duplicate copy of the Preliminary Amendment.

It is respectfully requested that a revised Office Action be issued which considers the presently pending claims, 13-37.

No fees are believed to be due in connection with this communication. However, if any fees are found to be due, please charge our Deposit Account No. 12-0080. A duplicate of this sheet is enclosed.

If a telephone conversation with Applicants' attorney would be useful, please call the undersigned at (617)227-7400.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

A handwritten signature in dark ink, appearing to read "Megan E. Williams", is written over a horizontal line.

Megan E. Williams, Esq.

Registration No. 43,270

Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400
Dated: August 13, 2002



COPY OF PAPERS
ORIGINALLY FILED

RECEIVED

AUG 21 2002

TECH CENTER 1600/2900 *Rigel*

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

File No.: A-70036/RMS/DLR

Applicant: Kinsella, Todd et al.

Serial No.: 09/712,821

For: *Methods and Compositions for Screening Using
Diphtheria Toxin Constructs*

Please acknowledge receipt of the enclosed

Preliminary Amendment; and Return Postcard

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Certificate of Mailing: April 30, 2002

- DLR:jlv

